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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,696	09/28/2001	Wolfgang Schnell	SCHNELL-2	5099
25889	7590	10/09/2003	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			PITTS, HAROLD I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09937696

Applicant(s)

SCHNEIDER

Examiner

Harold Fitts

Group Art Unit

2826

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 19-26 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 19-26 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

The applicant's claims recite a "matrix", an art recognized term for an orthogonal crosspoint array, of magnetic embedded elements on which basis the claims were allowed inasmuch as the prior art does not teach this concept. Upon review, it has been considered that the applicant's "matrix" is not really a matrix in the classic sense, but is rather understood to be a linear array such as shown by the prior art. Therefore, on this "as understood" basis, the allowance of claims 19-26 must perforce be withdrawn and a rejection made based on the prior art of record.

Also, there has been perceived to be some aspects which require a 35 USC 112 rejection.

In accordance with the above, it has been considered that the conveyor belt limitations are not supported by adequate written description, nor are they adequately shown in the drawings. It is not clear how/where the code is embedded on the conveyor belt(s).

Also, the claim limitations of claims 23 and 24 are not enabled either by figures or by the specification, since only the strip coding format is disclosed for conveyor belts; whereas the circular segment and cylindrical segment coding format is disclosed as pertaining to the hose or ship fender embodiments. See specification at page 4 and at page 8.

Furthermore, claims 19 and 20 each recite that the scanner unit is moved in relation to the object or that the object is moved in relation to the scanner unit. Since the bar code is embedded in the conveyor belt, it is only reasonable that the only option is for the scanner unit to be stationary while the object (conveyor belt) moves in relation to it. Therefore, the claim is vague and indefinite. Also, it is likely that the claims 19 and 20 are not enabled for the option of the scanner unit moving in relation to the object (conveyor belt).

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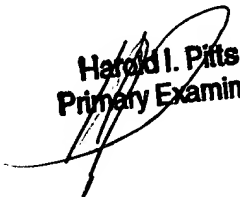
The following 35 USC 103 rejections under the consideration noted above, as understood, are made. Any of 5,051, 034; 5,762,461; DE-A-196,20,582 could be employed in view of either of 4,832,204 and/or 4,225,780.

With no weight given to the "matrix" terminology, claims 19-26 are basically met by the primary references which all disclose embedding bar codes in objects for tracking/locating purposes. The secondary reference '204 teaches tracking/locating objects in a conveyor belt system using bar codes. Reference '780 teaches putting the bar code directly on the conveyor belt. It would have been obvious to one of ordinary skill in the bar coding and conveyor belt art to have embedded the code in the conveyor belt itself using the embedding techniques of the primary references for the purpose of determining package location and for the purpose of determining the time of location of each conveyor belt in order to better locate and to convey packages/objects in a package/object handling/sorting system (as in '204), and to provide a modifiable code as taught by '780. The rationale employed would be the ordinary skill in the art recognition of the additive, substitutive and interchangeability of elements and concepts of similar and closely related systems.

The above withdrawal of the allowance of claims 19-26 and the rejection under USC 112 and on the prior art as discussed is made on an "as understood" basis under the consideration made by the reviewer that the term "matrix" does not have the normal art recognized definition with regard to the particular disclosure and claims in this application.

Claims 19-26 now stand rejected.

Harold Pitts
703/308-0717


Harold I. Pitts
Primary Examiner

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